

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Jeffery A PIERCE

Defendant(s)

Case No: 25-734 MJ

CRIMINAL COMPLAINT

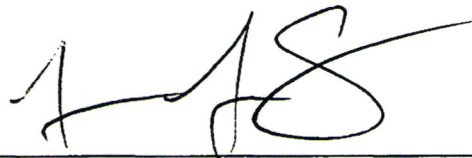
I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of April 11, 2025 in the county of Grant in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(ii)(Transporting), an offense described as follows:

knowing or in reckless disregard of the fact that Matwit 1 and Matwit 2, had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On April 11th, 2025, at approximately 11:45pm, BPA 1, was performing roving patrol on NMSR (New Mexico State Road) 146, which is often exploited by TCO's (Transnational Criminal Organizations) to smuggle drugs or illegal aliens in a vehicle. While going southbound on NMSR 146, BPA 1 noticed a gray minivan travelling northbound at a low rate of speed. Due to the unusual behavior, BPA 1 decided to further investigate since it was during shift change. As BPA 1 performed a U-turn, BPA 1 observed the vehicle accelerate its speed as if it was trying to evade him. BPA 1 caught up to the vehicle at approximately mile marker 10 and observed it reduce its speed.

☒ Continued on the attached sheet.

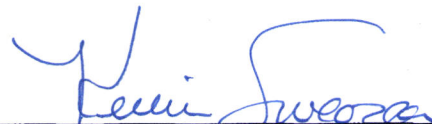


Complainant's signature

Francisco Fernandez, Agent

Printed name and title

by telephone. KS
Sworn to before me and signed in my presence.

Date: April 15, 2025City and state: Las Cruces, N.M.


Judge's signature

Kevin R. Sweazea, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Jeffery A PIERCE

Continuation of Statement of Facts:

BPA 1 requested records checks from LEISS (Law Enforcement Information Specialist), and observed several people's heads fidgeting through the rear window. The LEISS relayed that the vehicle was registered to a rental company, which further raised BPA 1 suspicion as TCO's often utilize rental company vehicles. Due to the location, time, the driver's unusual driving behavior, and the vehicle being a rental, BPA 1 conducted an investigatory stop by initiating his emergency lights and sirens. The vehicle stopped near mile-marker 12 on New Mexico State Road (NMSR) 146, BPA 1 proceeded to the drivers' side of the vehicle and identified as a United States Border Patrol Agent and asked the driver, later identified as Jeffery A PIERCE, his citizenship to which he claimed to be a United States Citizen. While BPA 1 was questioning the driver, BPA 1 noticed the front passenger avoiding eye contact and when BPA 1 tried to conduct an immigration inspection on her, PIERCE attempted to answer for her by stating, "She's a citizen." BPA 1 informed PIERCE he could not answer for her and then reiterated his question as to her citizenship. She admitted that she did not have the proper documents to be in the United States legally. Upon her admission, BPA 1 instructed the driver to turn off the vehicle, took the keys, and then instructed the driver to unlock the rear sliding door, so he could further continue his immigration inspection on the rest of the passengers. When BPA 1 opened the sliding door and observed seven more passengers in the vehicle, and some were sitting on the floor in-between the seats. The seven other individuals admitted to being in the United States illegally without any legal documents that would permit them to remain in the United States. All subjects were placed under arrest and transported to the Deming Border Patrol station.

Though not verbatim, Matwit 1 provided the following post Miranda statement as to his involvement in the failed alien smuggling scheme attempt:

Matwit 1 freely admitted to being a citizen of Mexico and to not possessing any documentation that would allow him to be legally present in the United States. Matwit 1 stated he is from Puebla, Mexico and crossed the United States/Mexico International Boundary afoot approximately one hour away from Ciudad Juarez. Matwit 1 stated he was told to walk to a highway and to hide beside the highway and wait for a van to pick him up. Matwit 1 stated a van pulled over by their location and all eight of the individuals waiting on the side of the highway proceeded to enter the van. Matwit 1 stated they traveled for approximately forty-five minutes to one hour on the highway and that it appeared that the driver had taken a wrong turn and that was the cause for getting pulled over. Matwit 1 stated he paid a smuggling organization U.S. currency and another payment after destination has been reached.

Matwit 1 identified the driver of the van on a photographic lineup display of six individuals. Matwit 1 stated he observed the driver use his phone at least twice to communicate with someone after they were picked up.

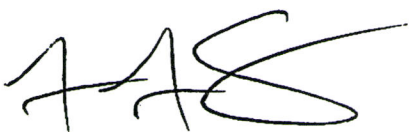
Though not verbatim, Matwit 2 provided the following post Miranda statement as to his involvement in the failed alien smuggling scheme attempt:

Matwit 2 freely admitted to being a citizen of Mexico and to not possessing any documentation that would allow him to be legally present in the United States. Matwit 2 stated he was born in Torreon, Mexico and resides in Tijuana, Mexico. Matwit 2 stated he was transported to the United States/Mexico International Boundary, where he crossed afoot and walked to the highway where he got picked up in a van. Matwit 2 stated he was not able to see the driver because of the place where he was sitting in the van. Matwit 2 stated they traveled for approximately one hour and then got pulled over by Border Patrol. Matwit 2 stated he paid a smuggling organization U.S. currency.

Continuation of Statutory Language:



Signature of Judicial Officer



Signature of Complainant

Fernandez, Francisco
Filing Agent